

DEPARTMENT OF THE TREASURY - BUREAU () LCOHOL, TOBACCO AND FIREARMS		1. INVESTIGATION IS <input checked="" type="checkbox"/> ROUTINE <input type="checkbox"/> SENSITIVE <input type="checkbox"/> SIGNIFICANT		Page 1 of <u>3</u> pages
REPORT OF INVESTIGATION (Law Enforcement)				
2. TO: Special Agent in Charge Seattle Field Division Office		3. MONITORED INVESTIGATION INFORMATION (Number and Branch) CIP: SEATTLE FY-91 FIREARMS VIOLATIONS REPORT 021 020		
4. TITLE OF INVESTIGATION SELF, Gary Alan		5. INVESTIGATION No. (Include Suspect No.) 93360-91-4031-S		
6. TYPE OF REPORT (Check applicable boxes)		7. BUREAU PROGRAM		8. PROJECT(S)
<input type="checkbox"/>	PRELIMINARY	<input type="checkbox"/>	TITLE I	TARGETED OFFENDER
<input type="checkbox"/>	COLLATERAL (Request)	<input checked="" type="checkbox"/>	TITLE II	TERRORIST/EXTREMIST
<input checked="" type="checkbox"/>	STATUS	<input type="checkbox"/>	TITLE VII	OCD
<input type="checkbox"/>	FINAL	<input type="checkbox"/>	TITLE II	ITAR
<input type="checkbox"/>	INTELLIGENCE	<input type="checkbox"/>	TITLE XI	SEAR
<input type="checkbox"/>	SUPPLEMENTAL	<input type="checkbox"/>	TOBACCO	OMO
<input type="checkbox"/>	REFERRAL (Internal)	<input type="checkbox"/>	ALCOHOL	<input checked="" type="checkbox"/> OTHER (Specify) FIREARMS
9. DETAILS:				
FULL LICENSEE INVESTIGATION				
1. Preliminary Approval Date 1-22-91 2. Full Approval Date 2-11-91 3. Extension Approval Date 4. Expiration Date 4-11-91				
<p>This report is submitted to update the FULL LICENSEE INVESTIGATION of Robert Evans MAHLER, co-owner of N.A.M.E. Guns, Inc., a federal firearms licensee, number 9-93-024-01-1K-96314. Mahler allegedly conspired with Gary Alan SELF, the Police Chief of Falls City, Oregon, to purchase four machine guns using Falls City Police Department letterhead and ATF Form 5 tax exempt registration. The machine guns were paid for by Mahler and then used by Self and Mahler as personal firearms.</p> <p>This investigation is classified CIP - Firearms.</p> <p>On March 27, 1991, a case report was submitted.</p> <p>On November 13, 1991, Gary Self was indicted for violation of Title 18 U.S.C. 922(j) and 924(a)(2). A summons was issued and served.</p> <p>On February 3, 1992, Self plead guilty to the charges.</p> <p>On April 6, 1992, Self was sentenced to five months home confinement to be followed by five years of probation.</p> <p>On May 20, 1992, Mahler was indicted for violation of Title 26 USC Section</p>				
10. SUBMITTED BY (Name) John A. Comery <i>John A. Comery</i>		11. TITLE AND OFFICE S.A. Portland, OR Field Office		12. DATE 04/13/94
13. REVIEWED BY (Name) John W. McMahon <i>John W. McMahon</i>		14. TITLE AND OFFICE GS, Portland, OR Field Office		15. DATE 04/13/94
16. APPROVED BY (Name) <i>Nels C. Nelson</i>		17. TITLE AND OFFICE Special Agent in Charge		18. DATE 4/21/94

ATF EF 3270.2 (5-90)

Mahler, 3:16-CR-00105-AA

Government's Ex. A

Page 1 of 3

EXHIBIT - 28

MAHLER_0000199

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

REPORT OF INVESTIGATION - CONTINUATION SHEET

(Law Enforcement)

PAGE 2
OF 3 PAGESTITLE OF INVESTIGATION
SELF, Gary AlanINVESTIGATION NO.
93360-91-4031-S

DETAILS (Continued)

5861(d).

On March 7, 1994, Mahler was arrested by Salem Police Department officers who had been alerted by a concerned citizen who saw Mahler. Mahler was arrested without incident. At the time of his arrest, Mahler had a loaded pistol in the front seat of his car and was wearing a shoulder holster.

On March 8, 1994, Mahler was picked up at the Marion County Correction Facility and transported to the US Marshals office in portland by ATF. Upon his arrival in the Marshals office Mahler told S.A Comery that he had been wrong about ATF as he had not expected to arrive alive from the transport.

On March 11, 1994, a detention hearing was held and Mahler was detained as a flight risk as he had been in South Africa until a week before his arrest. Mahler's attorney stated that Mahler had known of the arrest warrant.

Trial is scheduled for May 3, 1994.

****THE FOLLOWING HAS OCCURRED SINCE THE LAST STATUS REPORT:**

Previously on April 21, 1992, ATF/Portland was contacted by AN unidentified male who stated that he was an investigator for Bob of NAME Guns. He stated that Bob had obtained a picture of ATF Agent John Comery which showed Comery without his beard. The caller stated he was calling to tell Comery to be careful.

ATF/Portland investigated the call and was unable to identify the caller. ATF/Portland requested to be able to write a complaint on the proposed charge against Mahler to be able to arrest him immediately but the US Attorney's Office declined stating that it would upset the Court as the Mahler case was scheduled for May 13, 1992.

After Mahler was indicted on May 13, 1992, he could not be located and investigation revealed that he had probably fled to South Africa.

After Mahler's arrest on March 7, 1994, at a March 11, 1994 detention hearing Mahler's attorney stated that Mahler had been in South Africa. A pretrial release interview of Nancy Mahler revealed that Bob Mahler had been in South Africa and had returned to Oregon the week before his arrest.

A review of Customs and State Department records revealed that Bob Mahler's passport had expired in 1993 and had not been re-issued.

On March 31, 1994, ATF was contacted by Det. Bella of the Portland Police Bureau and informed of intelligence that Bob Mahler was stating he was

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMSREPORT OF INVESTIGATION - CONTINUATION SHEET
(Law Enforcement)PAGE 3
OF 3 PAGESTITLE OF INVESTIGATION
SELF, Gary AlanINVESTIGATION NO.
93360-91-4031-S

DETAILS (Continued)

trying to get the ATF agent and the former police chief (codefendant) that were involved in his case knocked off.

Investigation by ATF/Portland revealed that Mahler had told a CI that he wanted ATF Agent Comery knocked off. The CI stated that Mahler said he had a picture of Comery and knew Comery's address. The CI had an electronically monitored conversation with Mahler which was inconclusive as to Mahler's plans. Mahler stated he had decided to work with the system and did not want anything to happen to Comery.

At an April 12, 1994 detention release hearing before Judge Jones, Bob Mahler surrendered a South African passport which he had used to enter the United States. Mahler testified to his acquisition of the passport.

AUSA Mossman stated he would prosecute Mahler for Obstruction of Justice due to Mahler acquiring the false passport.

Judge Jones stated he would release Mahler if certain conditions were met. Mahler's house was not to have any firearms in it and prior to his release an ATF agent was to search the house for firearms. Judge Jones also ordered that ATF verify that the sales of the firearms had been legal.

Examination of the passport that Mahler gave the court reveals it to be a Republic of South Africa passport, number 02827722. It contains a picture of Robert Mahler. It is issued to Jan Johanne Van Der Merwe, DOB:01-19-52, Identity Number 520119533088. The passport was issued December 27, 1993. There is a United States Nonimmigrant Visa, number 007063 issued February 7, 1994. There is a February 28, 1994 United States Immigration stamp from New York, NY on the passport.

At the time of his arrest on March 7, 1994, Mahler had a T.G. model EA40, 40 caliber pistol, serial number AE00536 in the front seat of his car. The pistol was imported from Italy by E.A.A. Corporation of Hialeah, Florida. A trace has been submitted.

The investigation continues.

ATTACHMENTS:

ATF Form 3270.1 TECS